D.B. CIVIL WRIT PETITION (PIL)NO.429/2007

All Villagers of Village Kharabera Purohitan
Vs.
State of Rajasthan & Ors.

Date of Order :: 24-01-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri Kuldeep Mathur, for the petitioner.

This writ petition has been filed professedly on behalf of all villagers of Kharabera Purohitan village. From the record of the case, however, it appears that only one of the villagers, namely, Punaram has signed Vakalatnama. In fact, as per the cause title also the writ petition has been filed through Punaram. As such, we heard the petition treating it as individual petition of Punaram alone.

The petitioner is aggrieved by construction of water tank on part of the land of Khasra no.718. It was stated that the Gram Panchayat in its meeting dated 20.7.2006 had resolved that the water tank be constructed on land (Kumbh Talai) of Khasra no.535/2. We are of the view that if the water tank is being constructed at the place contrary to the resolution of the Gram Panchayat, the Panchayat should have made a grievance of it. We do not want to go into the possible motives of the

writ petition. We would simply observe that the question as to where the water tank should be constructed is primarily an executive decision which this Court cannot indirectly take while exercising the power of judicial review under Article 226 of the Constitution of India. If the petitioner has any grievance, it was open to him to make representation to the District Collector and/or other concerned authorities.

With these observations, the petition is disposed of.

[GOVIND MATHUR],J. [S.N.JHA],CJ.

Praveen